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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,337	08/27/2003	Thomas A. Hillerich JR.	2662-155	4608
6449	7590	05/18/2006	EXAMINER	
ROTHWELL, FIGG, ERNST & MANBECK, P.C. 1425 K STREET, N.W. SUITE 800 WASHINGTON, DC 20005			KOHNER, MATTHEW J	
		ART UNIT	PAPER NUMBER	3653

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/649,337	HILLERICH ET AL.	
	Examiner	Art Unit	
	Matthew J. Kohner	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 February 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 and 30-33 is/are pending in the application.
 4a) Of the above claim(s) 20-29 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-19 and 30-33 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/27/04; 11/03/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of claims 1-19 and 30-33 in the reply filed on Feb. 21, 2006 is acknowledged.

Claims 20-29 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on Feb. 21, 2006.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "said drive mechanisms" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 9, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,906,468 to VanderSyde et al. (*hereinafter “VanderSyde”*).

VanderSyde discloses a system for automated loading of a side-by-side stack of thin objects to a thin-object feeder, comprising:

- a) a transporter (16) having a transport surface upon which a side-by-side stack of thin objects can be conveyed;
- b) a carrier (18), configured to carry a side-by-side stack thin objects, supported above said transport surface;
- c) a pusher (192) supported above said transport surface;
- d) said pusher and said carrier being movable relative to one another between a first position (Fig. 7P) in which said pusher is inside said carrier behind a side-by-side stack of objects on said carrier and a second position (7T) which said pusher is laterally displaced from said carrier, such that the side-by-side stack of thin objects on said carrier is laterally slidable off of said carrier by said pusher.

In regard to claims 2 and 3, see col. 1, line 14.

In regard to claims 4 and 5, VanderSyde discloses belts (60).

In regard to claim 6, VanderSyde discloses independent drive mechanisms for said pusher and said carrier, wherein said carrier is driven in a fore-and-aft direction via a carrier support (compare position of carrier in Fig. 7A with position of Carrier in Fig. 7B), and wherein the drive mechanism for the pusher includes a fore-and-aft drive component and an up-and-down drive component (compare position of pusher in Fig. 7L with position of Pusher in Fig. 7O), and said pusher is movable into said carrier to engage thin objects therein.

In regard to claim 9, VanderSyde discloses a method of automated loading of mail to maintain a side-by-side stack of mail on a mail feeder, comprising:

conveying a carrier filled with a side-by-side stack of mail to a location above said feeder (compare position of carrier in Fig. 7K with position of Carrier in Fig. 7L);

laterally moving said side-by-side stack of mail and said carrier relative to one another such that the side-by-side stack of mail on said carrier laterally slid off of said carrier and onto transport surface of the mail feeder to a side-by-side stack of mail on the feeder (see Fig. 7T).

In regard to claim 10, see Fig 7T.

In regard to claims 11 and 12, see Fig. 6A. Further, in regard to claim 12, the same process described above would be followed to remove the second batch of mail from the carrier. Therefore, the pusher would be raised and moved within the carrier to remove the mail.

In regard to claim 14, see Fig. 1.

In regard to claim 15, VanderSyde discloses laterally sliding mail from the carrier on a transfer slide (312).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over VanderSyde.

Although, VanderSyde does not specifically disclose laterally moving said carrier while a pusher is engaged with a rear of the side-by-side stack, VanderSyde does disclose laterally moving the pusher while keeping the carrier stationary. Given VanderSyde's teaching of relative movement of the pusher to the carrier, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified VanderSyde to allow the carrier to move laterally backward while the pusher was engaged with the stack.

Claims 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over VanderSyde in view of US Patent No. 6,443,444 to Cera et al. (*hereinafter "Cera"*).

VanderSyde does not disclose alternating raised and lowered areas on the bottom of the carrier. However, Cera discloses such ridges. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified VanderSyde to include the ridges disclosed by Cera because they would prevent friction on the envelopes (see Cera col. 4, lines 48-53) just as slots of retaining wall (94) prevent friction. Further, in regard to claim 33, VanderSyde discloses a movable wall (wall 94 pivots, see Fig 7) with teeth (slots in wall 94) wherein the wall is in the front (see e.g. Fig. 7h or 7j) at least part of the time of movement.

Claims 7, 8, 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,612,565 to Blackwell et al. (*hereinafter* "Blackwell") in view of VanderSyde.

In regard to claim 7, Blackwell discloses a system for automated loading of a side-by-side stack of thin objects to a thin-object feeder, comprising:

a transporter (20) having a transport surface upon which a side-by-side stack of thin objects can be conveyed; and

a pusher (26a) supported above said transport surface; and

a controller that controls the transporter and the pusher to change relative speeds of movement based on a detected stack error (col. 2, lines 47-67).

Blackwell does not disclose a carrier, configured to carry a side-by-side stack thin objects, supported above said transport surface, nor said pusher and said carrier being movable relative to one another between a first position in which said pusher is inside said carrier behind a side-by-side stack of objects on said carrier and a second position which said pusher is laterally displaced from said carrier, such that the side-by-side stack of thin objects on said carrier is laterally slid able off of said carrier by said pusher.

However, VanderSyde discloses a carrier (18), configured to carry a side-by-side stack thin objects, supported above said transport surface; said pusher and said carrier being movable relative to one another between a first position (Fig. 7P) in which said pusher is inside said carrier behind a side-by-side stack of objects on said carrier and a second position (7T) which said pusher is laterally displaced from said carrier, such that the side-by-side stack of thin objects on said carrier is laterally slid able off of said carrier by said pusher.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Blackwell to include the carrier disclosed by VanderSyde because it would obviate the need for manual loading of the mail (see VanderSyde col. 1, line 37 *et seq.*).

In regard to claim 8, see Blackwell, col. 2, lines 47-67.

In regard to claim 16, see Blackwell, col. 2, lines 47-67.

In regard to claim 17, Blackwell discloses a mail system having a transporter (20) upon which mail supported for movement and a pusher (26A) against which mail supported during movement, comprising:

independent drive mechanisms for the transporter and the pusher, wherein the drive mechanism for the pusher includes a fore-and-aft drive component and an up-and-down drive component.

Blackwell does not disclose providing a carrier support adapted to move above said transporter; nor that the pusher is movable to within a carrier upon said carrier support via an up down drive component.

However, VanderSyde discloses providing a carrier support (see Fig. 7) adapted to move above said transporter and that the pusher is movable to within a carrier upon said carrier support via an up down drive component. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Blackwell to include the carrier disclosed by VanderSyde because it would obviate the need for manual loading of the mail (see VanderSyde col. 1, line 37 *et seq.*).

In regard to claims 18 and 19, see Blackwell col. 2, lines 47-67.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Kohner whose telephone number is 571-272-6939. The examiner can normally be reached on Mon-Fri 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Matthew J. Kohner
Examiner
Art Unit 3653

mjk


GENEO.CRAWFORD
SUPERVISORY PATENT EXAMINER